

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cause No. 19-CR-3113-JB

ROBERT PADILLA, et al.,

Defendants.

**UNITED STATES' SECOND UNOPPOSED MOTION FOR EXTENSION
OF TIME TO RESPOND TO DEFENDANT ROBERT PADILLA'S
MOTION TO RECUSE AND CONTINUE HEARING**

The United States, by and through its undersigned counsel, hereby moves the Court for an extension of time to respond to Defendant Robert Padilla's Motion to Recuse (Doc. 546), to continue the October 4, 2021, hearing on Defendant's Motion to Exclude Evidence of Alleged Prior Bad Acts (Doc. 477), Motion in *Limine* to Exclude Unqualified Expert Testimony (Doc. 476), and Defendant Robert Padilla's Request for Discovery Regarding Alleged Threat Allegations (Doc. 525), to continue the October 18, 2021 Jury Trial, and for a definite trial setting.

In support of this motion the undersigned states:

1. On September 11, 2019, a grand jury returned a 19-count Indictment charging all 12 Defendants with conspiracy to commit distribution of controlled substances. *See* Indictment, Count 1 [Doc. 2]. Each Defendant is also charged in one or more of the other 18 counts. *Id.* at Counts 2-19.

2. On July 20, 2021, the Court filed a Notice and Order with attached Memorandum Opinion and Order, which directed the parties to submit pleadings regarding the Court's non-recusal. Doc. 508.

3. Pursuant to the Court's Notice and Order, Attorneys for the Government are consulting with the Appellate Division to advise the Court on the Government's position regarding recusal.

4. Defendant Robert Padilla filed a Motion to Recuse. Doc. 546.

5. The United States filed its first motion for extension of time to respond to the defendant's motion and to continue the September 21, 2021 hearing on the motion. Doc. 557.

6. The court granted the motion, extended the United States' deadline to respond until September 29, 2021, and reset the hearing on the Motion to Recuse for October 4, 2021. Doc. 563.

7. The court also set the hearing on Defendant's Motion to Exclude Evidence of Alleged Prior Bad Acts (Doc. 477), Motion *in Limine* to Exclude Unqualified Expert Testimony (Doc. 476), and Defendant Robert Padilla's Request for Discovery Regarding Alleged Threat Allegations (Doc. 525), for October 4, 2021.

8. The United States filed a second motion for extension of time to respond to the defendant's motion until October 29, 2021, and continue the hearing on the motion scheduled for October 4, 2021. Doc. 574.

9. The court granted the motion, extended the United States' deadline to respond until October 29, 2021, and reset the hearing on the Motion to Recuse for November 12, 2021. Doc. 576.

10. Offers to resolve the case have been extended to defendants and are involved in plea negotiations. The United States would like to give defendants additional time to review and/or accept the offers prior to fully litigating the relief sought in the motion.

11. The United States requests and additional 60 days to respond to Padilla's Motion to Recuse, until December 28, 2021.

12. The United States further requests that the hearing on the Motion, currently scheduled for November 12, 2021, be continued for at least sixty days, until after the response deadline.

13. Counsel for the Defendants set forth below concur with this request:

Joe M. Romero on behalf of Defendant Robert Padilla;

Megan Mitsunaga on behalf of Defendant Janaya Atencio;

Wayne Baker on behalf of Defendant Jonathan Vigil;

Gregory M. Acton on behalf of Defendant Ashley Romero; and

Michael V. Davis on behalf of Defendant Genevieve Atencio.

WHEREFORE, the parties respectfully request that the Court grant an extension of time for filing the United States' Responses to Defendant Robert Padilla's Motion to Recuse (Doc. 546) for an additional 60 days, until December 28, 2021, and to reschedule the hearing on the motion until after that date.

Respectfully submitted,

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/s/ electronically filed November 1, 2021

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Gregory M. Acton
Counsel for Ashley Romero; and

Michael V. Davis
Counsel for Genevieve Atencio.

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record.

/s/
Elaine Y. Ramírez
Assistant United States Attorney